

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ANTHONY M. POSADA, #02693004	§	
VS.	§	CIVIL ACTION NO. 5:06cv23
WARDEN, F.C.I. TEXARKANA	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Anthony M. Posada, a prisoner confined at FCI Texarkana, brings, pursuant to 28 U.S.C. § 2241, this petition for a writ of habeas corpus challenging his sentence imposed by the United States District Court for the Southern District of Florida, West Palm Beach Division. Pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges, the motion was referred to United States Magistrate Judge Caroline M. Craven.

The Magistrate Judge construed the petition as a motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255 and presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended dismissing it with prejudice for lack of jurisdiction and dismissing without prejudice regarding all other issues.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that they lack merit.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH**

PREJUDICE for lack of jurisdiction and **DISMISSED WITHOUT PREJUDICE** regarding all other issues; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 23rd day of March, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE